

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:

HOOSIER PRAIRIE NATURE PRESERVE)	
AMENDMENTS TO ARTICLES OF)	Administrative Cause
DEDICATION, MASTER PLAN, AND)	Number: 13-048N
ADDITION TO ACREAGE)	

**REPORT OF HEARING OFFICER
WITH RECOMMENDATIONS TO COMMISSION**

1. Introduction and Appointment of Hearing Officer

John Bacone, Director of Division of Nature Preserves, introduced this item and requested the appointment of a hearing officer during the March 19, 2013 meeting of the Natural Resources Commission. The Hoosier Prairie Nature Preserve was dedicated in 1977 and originally included 304 acres. Bacone said roughly 275 acres were being recommended for inclusion this year. As reflected in the minutes of the March meeting, these included “wet and dry prairies, wetland and oak savannas, and associated rare plants and animals. The proposal would also amend and update the nature preserve’s Master Plan. The Master Plan is developed from the Articles of Dedication for the Hoosier Prairie Nature Preserve.”

Bacone emphasized “the Articles of Dedication also need to be updated. To amend Articles of Dedication for a nature preserve, a public hearing needs to be held in Lake County where the nature preserve is located, and notice of the public hearing published in a newspaper of general circulation in Lake County. The Nature Preserves Act (IC 14-31-1) requires the Commission to make findings to support any amendments to Articles of Dedication. [Bacone] requested the Commission to appoint a hearing officer to conduct a hearing in Lake County to satisfy statutory requirements.”

Following discussion by the Commission, the minutes indicated “Thomas Easterly moved to approve appointment of a hearing officer to consider a proposed addition to Hoosier Prairie

Nature Preserve, the amendment of the Master Plan, and the amendment of the Articles of Dedication. Patrick Early seconded the motion. Upon a voice vote, the motion carried.

2. Amendment to Articles of Dedication and Newspaper Notification

As applicable to the Hoosier Prairie Nature Preserve, the Nature Preserves Act provides standards for amendments to articles of dedication in IC 14-31-1-13 as follows:

With the approval of the governor and upon the terms and conditions that the department determines, the department may, after the giving of notice and the holding of a public hearing under [IC 14-31-1-16], enter into amendments of articles of dedication upon a finding by the commission that the amendments will not permit:

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;

of the area inconsistent with the purposes of this chapter....

The notice and hearing requirements of IC 14-31-1-16 are set forth in subsection (b) and subsection (c):

(b) The notice must be published at least one (1) time in a newspaper printed in the English language with a general circulation in each county in which the nature preserve is located. The notice must do the following:

- (1) Set forth the substance of the proposed action.
- (2) Describe, with or without legal description, the nature preserve affected.
- (3) Specify a place and time not less than thirty (30) days after the publication for a public hearing before the commission on the proposed action.

(c) All persons desiring to be heard shall be given a reasonable opportunity to be heard before action by the commission on the proposal.

The Division of Nature Preserves caused notice of the public hearing to be published on June 10 and on June 17, 2013 in the TIMES of Northwest Indiana (Hammond), a newspaper of general circulation in Lake County. The notice indicated the public hearing would be conducted July 18, 2013 at 1:00 p.m., CDT in the Town of Schererville Municipal Building 100 East Joliet Street, Schererville, Lake County, Indiana to consider amending the articles of dedication for the Hoosier Prairie Nature Preserve pursuant to IC 14-31-1-13. The TIMES stated the notice was also published on its website. See IC 5-3-1-1.5. Contact information was provided for Bacone by telephone and at his address in the Department's Division of Nature Preserves, Indianapolis.

3. Public Hearing and Comments

The public hearing was conducted as scheduled on July 18, 2013 in the Schererville Municipal Building. John Bacone opened the meeting. Approximately a dozen citizens were present, and he thanked them for coming. Those who identified themselves were

Trisha Nugent, PE, Project Manager at DLZ Indiana
 Cathy Martin, Save the Dunes Council
 Pat McKinlay, Shirley Heinze Land Trust
 Irene Herlocker-Meyer, Shirley Heinze Land Trust
 Myrna Newgent, Shirley Heinze Land Trust
 Jim Sweeney
 Charles Morris
 Susan MiHalo, The Nature Conservancy
 Robert Volkmann, Schererville Town Manager
 Gia Wagner, National Park Service
 Charles Morris, National Park Service

Bacone introduced the Commission's Hearing Officer, Steve Lucas. Lucas said he would defer to Bacone to describe what was proposed with respect to management and expansion of the Hoosier Prairie Nature Preserve. Lucas added the Commission must make findings as to whether amendments to the Articles of Dedication would impair, disturb, use or develop the Nature Preserve in a way that would be inconsistent with the purposes of the Nature Preserves Act. He said he looked forward to receiving comments during the public hearing and that the record would be held open until July 26, 2013 to receive additional comments by email. He provided his email address and returned the floor to John Bacone.

Bacone said the Nature Preserve was dedicated on November 16, 1977 and included 304 acres. The amendments would add 272 acres, increasing its size to 576 acres. "The additional acreage contains wet and dry sand prairies, marsh and sedge meadow wetlands, and black oak sand savannas." He directed attention to a map which showed the current Nature Preserve, the proposed additions, and the Gaylord Butterfly Unit that is owned by the National Park Service. Bacone acknowledged amendments were proposed to the Articles of Dedication and said amendments would also update and replace the current Master Plan. "Copies of the current Articles and Master Plan, and the Proposed Amended Articles of Dedication and Master Plan are

here, available for you to look at.”¹ He reported the Nature Preserve was designated a National Natural Landmark in 1974 by the U.S. Secretary of the Interior.

Bacone said language in the proposed Master Plan would reflect an undated understanding and the use of new techniques for natural area management. Greater detail would be provided regarding restoration, such as planting species and invasive species control, which were not discussed in the original Master Plan. More specifically, the changes would include:

1. The ability to add up to two additional parking lots for visitor access. Bacone said he did not expect two additional parking lots to be included immediately, but the amendments would authorize them prospectively.
2. The ability to install fire breaks.
3. The ability to control erosion.
4. A more detailed consideration of safety issues.
5. A more detailed clause for the control of invasive species.
6. A clause addressing the control of succession in support of rare species.
7. A clause addressing introduction of species to the property.
8. A clause addressing federally listed species.
9. A clause addressing prairie and wetland restoration.
10. A clause addressing the control of overpopulation by animals, including white-tailed deer.

The Master Plan would be incorporated by reference into the Articles of Dedication. As provided on page 5 of the proposed Articles of Dedication: “The Nature Preserve shall be used, administered, managed, and protected as set forth in the Master Plan for Hoosier Prairie Nature Preserve, a copy of which is attached and made a part of these Articles of Dedication.”

Bacone then invited interested persons to express their views concerning the need and desirability of the proposed amendments. He said oral statements would be heard, or statements

¹ An aerial is attached which depicts the original Hoosier Prairie Nature Preserve, the acreage proposed to be added, and the Gaylord Butterfly Tract.

may be submitted in writing. He repeated that the record would also be held open until July 26 for an interested person to provide email comments to Steve Lucas.

Bob Volkmann, Schererville Town Manager, said Northwest Indiana and the State as a whole were fortunate there were people who had the insight to acquire land for the Nature Preserve in 1977. With the extensive residential and commercial development of the area since then, acquisition today would be extremely expensive and probably impossible. He expressed support for the proposed amendments.

Pat McKinlay, Board of Directors Vice President for the Shirley Heinze Land Trust, said she and her organization have supported the Hoosier Prairie Nature Preserve for many years. The SHLT has provided significant funding. She said she was “delighted to hear” of the amendments outlined by Bacone.

Jim Sweeney said “I love the Hoosier Prairie.” He said he had been involved in numerous bird counts involving the property over the last 20 years. The Hoosier Prairie Nature Preserve provides a “really quality experience.” He added that he was “tickled pink we can add land” to the existing Nature Preserve.

Irene Herlocker-Meyer, Life Board Member of the Shirley Heinze Land Trust, expressed concerns that the desire by some citizens to widen Main Street through the Nature Preserve could cause degradation. Bacone responded the Nature Preserves Act includes protections from development that could have adverse consequences in a nature preserve. Land can only be taken for another public use upon a finding by the Commission of “the existence of an imperative and unavoidable public necessity”, and the finding would need to be subsequently approved through action by the Governor. Bob Volkmann said widening Main Street was further complicated because of adjacent regulated wetlands. There might be an ability to widen the street “maybe a foot or two”, but even this modest expansion was problematic in light of Army Corps regulations.

Susan MiHalo, Southern Lake Michigan Rim Conservation Coordinator for The Nature Conservancy, reported TNC provided funding for restoration work on part of one of the areas

being dedicated and was instrumental in acquisition of several tracts at Hoosier Prairie Nature Preserve, including at least two of the parcels being dedicated. She observed the Hoosier Prairie is a site that is “critical for habitat” protection in the area south of Lake Michigan. MiHalo said TNC was also interested in restoration of the Gaylord Butterfly Unit.

Tom Post, Northwest Regional Ecologist for the Division of Nature Preserves, fielded citizen questions. He said there were no immediate plans to add approved footpaths within the Hoosier Prairie Nature Preserve, but footpaths could be added in the future to the southern portion. Interest has been expressed in connecting to a paved hiking and bicycle trail. He acknowledged the DNR has purchased land southwest of the areas to be added with these amendments, and this land might be included in a subsequent addition but was not yet ready.

4. Email Comments following Public Hearing

In an email sent later on July 18, Cathy Martin, Land and Advocacy Specialist for the Save the Dunes Council, wrote that her organization “is in support of expanding this ecologically significant preserve and the master plan amendments that update restoration and management methods to include efforts such as invasive species removal, native species planting, and naturalizing previously disturbed landscape.”

Martin added, the Hoosier Prairie Nature Preserve “possesses a great variety of natural communities including marshes, wet prairies, sedge meadows, oak savanna, and mesic prairies. The additional parcels of land will contribute to these diverse and rare natural communities. In addition to housing more than 350 native plant species, several of which are rare, Hoosier Prairie is also home to several species of birds, elevating the importance of Hoosier Prairie in an urban and industrialized area.”

Martin concluded, “[t]his site demonstrates natural processes and the importance of buffer areas that protect the inner preserve; the addition of these acres to the preserve will expand the buffer areas and contribute to the overall health of the preserve. This property is an incredible natural resource for Northwest Indiana, and we are thrilled to see new parcels added and the site managed effectively.”

5. Recommendations

All persons have been provided a reasonable opportunity to be heard. Public comments offered a warm welcome to expansion of the Hoosier Prairie Nature Preserve. The amendments to the Articles of Dedication (particularly through the Master Plan which is incorporated by reference) serve or enhance functions that are in accord with the purposes of the Nature Preserves Act. The amendments serve public safety, reasonable public access, control of invasive species and support for rare and native species, and the restoration of precious prairie and wetland habitat. Nothing in the content of the proposed amendments and nothing in the public comments supports a conclusion the proposed amendments would be “inconsistent with the purposes of” the Nature Preserves Act.

The hearing officer recommends the Natural Resources Commission approve for the Hoosier Prairie Nature Preserve in Lake County, as proposed by the Department’s Division of Nature Preserves, each of the following:

- (1) The addition of territory.
- (2) Amendments to the Master Plan
- (3) Amendments to the Articles of Dedication.

The hearing officer further recommends the Commission find the amendments proposed to the Articles of Dedication of the Hoosier Prairie Nature Preserve will not permit:

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;

of the area that is inconsistent with the purposes of the Nature Preserves Act.

Dated: July 30, 2013

Stephen L. Lucas, Hearing Officer
Natural Resources Commission

Hoosier Prairie Nature Preserve

Exhibit A

County: Lake
Size: 576.268 acres

USGS Quad Map: Highland
Ownership: Div Nature Preserves



map created by R Wilson IDNR Nature Preserves 3.21.2013

0 0.25 0.5 Miles

